

Attorney's Docket 060258-0277084
Client Reference: 2980337US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 07 2004

U.S. PATENT & TRADEMARK OFFICE
re PATENT APPLICATION of:
KARI EINAMO

Confirmation Number: 1058

Application No.: 09/762,922

Group Art Unit: 2682

Filed: February 14, 2001

Examiner: U. CHO

For: TRACING OF SIGNALLING MESSAGES

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	12 - 20 = 0	x \$ 18.00	= \$ 0	0
INDEP.	3 - 3 = 0	x \$ 86.00	= \$ 0	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		+ \$ 290.00	= \$ 0.00	
TOTAL ADDITIONAL CLAIM FEE				\$
GRAND TOTAL				\$ 0.00

FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

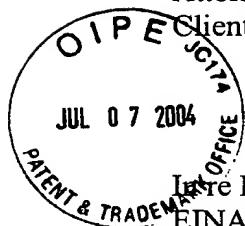
Date: July 7, 2004

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In re PATENT APPLICATION of:
EINAMO

Confirmation Number: 1058

Application No.: 09/762,922

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Filed: February 14, 2001

Examiner: Cho, U.

Title: TRACING OF SIGNALLING MESSAGES

REQUEST FOR RECONSIDERATION
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

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In response to the final Office Action dated April 7, 2004, the due date for response to which is July 7, 2004, please reconsider the patentability of the pending claims based on the following remarks. Claims 1, 7, and 10 are independent. Claims 1-12 are pending.

I. Claim Rejections – 35 U.S.C. § 102(b)

The Office Action rejected claims 1-5, 7-8, and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Sanmugam (WO 96/15643). Applicant respectfully traverses the rejection because Sanmugam fails to teach or suggest all the features of the rejected claims. In particular, Sanmugam fails to teach or suggest, *inter alia*, “starting tracing which comprises the steps of: copying a signalling message in response to the reception or transmission of a signalling message related to the subscriber to be traced, and sending a copy to the tracer,” as recited by claim 1.

Page 7 of the Office Action asserted that “Sanmugam teaches that signaling is being traced by the home system, in which the home system is part of a network element tracing signalling messages.” Applicant respectfully disagrees with that interpretation of Sanmugam. In actuality, Sanmugam states that “[t]he home system checks all signalling related to the activities specified for tracing.” (Page 47, lines 19-21.) It is clear from this statement that checking signalling is not the same as tracing signalling. In particular, the statement clearly

indicates that activities are traced, and that related signalling is checked. Moreover, Sanmugam teaches that:

[W]henever the subscriber tracing class is activated, the serving exchange will continuously report to the home system all mobile activities which have been selected for tracing. This information may be sent to the home system as part of the automatic roaming signalling which conveys information on the various mobile activities in the visited system.... (Page 46, lines 23-29.)

Thus, the exchange reports traced activities as a part of the automatic roaming signalling, but signalling messages are not themselves traced. Thus, under close scrutiny, it is evident that Sanmugam in no way teaches or suggests that signalling messages are traced.

Page 7 of the Office Action also asserted that “Sanmugam teaches copying (MSCa reports the activity of M1 back to the home system) a signaling message in response to the reception of a signaling message related to the mobile station and reporting to the home system.” The Office Action has taken the position that, because Sanmugam discloses reporting an activity, it necessarily teaches copying a signalling message. Applicant respectfully disagrees with that position for at least two reasons. First, from the perspective of one skilled in the art, “copying” of a signalling message would involve creating another signalling message that is a duplicate of the original signalling message. Yet, Sanmugam does not copy signalling messages, but instead merely provides signalling messages that report traced activities. Second, if the Office Action’s reasoning were taken to its logical conclusion, then copied signalling messages would never be reported in Sanmugam. The reason is that in Sanmugam, reporting is a part of automatic roaming signalling. Therefore, if a signalling message were copied, that copy would never be reported because the original signalling message already was reported. For at least the above reasons, Applicant respectfully submits that Sanmugam does not teach or suggest copying signalling messages (or activities).

Applicant also respectfully submits that in the pending claims, there are at least two different network elements involved, i.e., the tracer and the functional entity/network element performing the tracing. Sanmugam teaches that the home system and a serving exchange are involved in the activity tracing. Accordingly, if the home system of Sanmugam were part of a network element, as the Office Action has asserted, then the serving exchange of Sanmugam would correspond to the tracer (claims 1 and 10) and operating means (claim 7). However, Sanmugam does not disclose, teach, or suggest that the home system (network element/functional entity) receives a trace command from the serving exchange

(tracer/operating means), and that the home system (network element/functional entity) copies signalling messages or even reports traced activities, and sends them to the serving exchange (tracer). Further, Applicant notes that the Office Action's interpretation is inconsistent because the Office Action has asserted that the home system traces the signalling, but that the serving exchange MSCa, which is not part of the home system, performs copying that is part of the tracing.

For at least the above reasons, claim 1 is not anticipated by Sanmugam. Claims 2-5, which depend from claim 1, are patentable for the above reasons and for the additional features recited therein. Independent claims 7 and 10 recite features similar to claim 1 and are patentable for at least the above reasons and for the additional features recited therein. Claims 8 and 11 respectively depend from claims 7 and 10 and are patentable for the above reasons and for the additional features recited therein.

II. Claim Rejections – 35 U.S.C. § 103(a)

Claims 6, 9, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanmugam in view of Fletcher et al. (H1,921). Applicant traverses the rejection because Sanmugam and Fletcher, analyzed individually or in combination, fail to disclose, teach, or suggest all the features of the rejected claims.

Claims 6, 9, and 12 respectively depend from independent claims 1, 7, and 10 discussed above. As discussed, Sanmugam fails to teach all the features of claims 1, 7, and 10. Fletcher fails to remedy the above-identified deficiencies of Sanmugam because Fletcher merely teaches utilizing a MAP protocol interface on a generic wireless telecommunications system. Accordingly, for at least the above reasons and for the additional features recited therein, the Applicant respectfully submits that claims 6, 9, and 12 are patentable over Sanmugam in view of Fletcher.

III. Conclusion

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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